

ARTICLE III

Section 1. NON-CONFORMING USES AND STRUCTURES

A. Reconstruction of:

Any non-conforming structure which is completely or substantially destroyed by casualty loss may be replaced with a similar structure which has the same building footprint dimensions and meets the setbacks of the previously existing structure. The structure may be rebuilt provided such construction is started within one year of the casualty loss and complete within two (2) years of the casualty loss. The provisions of the Town of Fremont Building Code, as amended, shall apply to any reconstruction.

B. Expansion of Non-conforming uses:

Except as noted below, an expansion of a non-conforming use is prohibited except by variance by the Zoning Board of Appeals.

A variance is not required if the expansion is a natural expansion which does not change the nature of the use, does not make the property proportionately less adequate, and does not have a substantially different impact on the neighborhood.

C. Expansion of Non-conforming Structures:

Non-conforming structures may be expanded in accordance with the terms of a special exception issued by the Zoning Board of Adjustment, which must find the following factors to exist before issuing such a special exception:

1. The proposed expansion must intrude no further into any setback area than does the existing structure.
2. The expansion must have no further adverse impact on the view, light and air of any abutter.
3. The expansion must not cause property values to deteriorate.
4. The expansion must not impede existing rights of access or egress.
5. That portion of the proposed expansion, which will intrude into the setback must, in no event, exceed the footprint square footage of that portion of the structure which presently intrudes into the setback, regardless of the number of applications made over time under this subsection.
6. In the event the non-conforming structure contains a commercial use, there must be no adverse impact on access, traffic, parking, lighting or other safety or visibility features of the existing structure.

7. A special exception under this subsection may be granted only as to expansions into the side, front, and rear setbacks, and is not available for expansions which violate height restrictions of this ordinance.

D. Discontinuance of:

In the event that a non-conforming use is voluntarily discontinued for a period of one year, such non-conforming use shall be deemed abandoned and shall not be able to resume without compliance with the zoning ordinance or, alternately, without a variance from the zoning board of adjustment. Voluntary abandonment shall be evidenced by either of the following:

1. Discontinuance of the occupancy or nonconforming use for twelve (12) consecutive months with no ongoing attempts to sell or lease the property for its non-conforming use; or,
2. Failure to resume the nonconforming use within eighteen (18) months, even though there may be ongoing efforts to sell or lease the property for its non- conforming use.

E. Continuance of:

1. All non-conforming structures and uses which predate the adoption or amendment of this ordinance may continue in their present use. These uses shall run with the land and may be transferred by sale or lease by present owner to future owners or lessees, subject to the other terms of this Ordinance which limit such non-conforming uses.
2. All new uses, changes of uses, expansion of uses or resumption of uses previously discontinued shall not be permitted until the property owner or authorized lessee has first made application to the Town of Fremont Code Enforcement Officer for an administrative decision seeking a determining whether a permit is required for such new, change, expansion or resumption of the non-conforming use or non-conforming structure under the terms of this ordinance. If a permit or other application is required, such use may not proceed until such application has been made a processed as required by town regulations and ordinances.

Section 2. No new junk yard or place for the storage of discarded machinery, vehicles or other materials shall be maintained in any part of said TOWN OF FREMONT unless written permit to make exception to this requirement is applied for by an applicant and granted by the Board of Selectmen. The Board of Selectmen before granting a permit shall consider the effect such a junk yard will have upon adjacent property and shall prescribe such conditions as in their

judgment will prevent a nuisance or a danger to the health, safety and general welfare of the community.

Section 3. The following types of signs only shall be permitted: Town, State and Federal Highway directional and regulatory signs, historic signs, those relating to the sale or lease of the premises, the profession or home occupation of the occupant, property restriction signs, identification signs for residences, the sale of goods or products sold on the premises except that in such case no signs or group of signs shall exceed twenty-five (25) square feet in area and shall not be placed so as to obstruct view on Highway.

Section 4. New commercial business or industrial enterprises shall be encouraged, provided that such commercial, business or industrial enterprises will in no way be harmful to the general welfare of the community.